APPENDIX

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13724

JAMES J. LAUGHLIN, APPELLANT

v.

RUSSELL C. HARRINGTON, Commissioner of Internal Revenue, APPELLEE

Appeal from the United District Court for the District of Columbia

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Decided May 29, 1958

Mr. James J. Laughlin, appellant *pro se*, with whom *Mr. Albert J. Ahern, Jr.*, was on the brief, for appellant.

Mr. John W. Kern, III, Assistant United States Attorney, with whom *Messrs. Oliver Gasch*, United States Attorney, and *Lewis Carroll*, Assistant United States Attorney, were on the brief, for appellee. *Messrs. Edward P. Troxell*, Principal Assistant United States Attorney, and *Joseph M. F. Ryan, Jr.*, Assistant United States Attorney at the time record was filed, and *Lee A. Jackson*, Attorney, Department of Justice, also entered appearances for appellee.

Before EDGERTON, *Chief Judge*, and DANAHER and BASTIAN, *Circuit Judges*.

PER CURIAM: Appellant asked specific performance of an alleged contract of the Commissioner of Internal

Revenue to show appellant records, statements, reports, and other documentary evidence regarding a tax claim against appellant. Since these papers are the property of the United States, the suit is in substance against the United States. The United States has not consented to such a suit. We therefore affirm the judgment dismissing the complaint; of course without prejudice to any remedy appellant may have in the Tax Court where, counsel have informed us, a suit is pending.

Affirmed.